



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,080	01/02/2004	Padmaja Putcha	CS23662RA	4381
20280	7590	08/27/2007		
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			EXAMINER PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			08/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/751,080

Applicant(s)

PUTCHA ET AL.

Examiner

Julio R. Perez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-26 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwak et al. (US 20030088695) in view of Parantainen (2006/0156370).

Regarding claim 1, Kwak discloses a method for a user device to receive a broadcast data session, wherein data is transmitted on multiple frequencies, said method comprising the steps of: determining a configuration associated with the second frequency in accordance with receiving the broadcast data session (par. 39, teaches parameters to include PI, SFN, Np, which are used to determine the paging information, i.e., "configuration"); and configuring the user equipment to receive the broadcast data session in accordance with the determined configuration (par.40, teaches the user equipment arranged to receive the broadcast data).

What Kwak does not specifically disclose is receiving a notification for a broadcast data session on a first frequency identifying on which broadcast data of the broadcast data session is sent.

Parantainen teaches the user receiving notification of data to be received (pars. 10-11, 15, 22-24).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Kwak to include Parantainen to implement the system with means to transmit a

Art Unit: 2617

notification wherein a frequency, in which broadcast data is sent, may be indicated in order to alert the user equipment about oncoming data.

Regarding claim 2, the combination of Kwak and Parantainen discloses prior to the step of receiving a notification, monitoring the first frequency for broadcast data (Parantainen, pars. 10-11, 15, 22-24).

Regarding claim 3, the combination of Kwak and Parantainen discloses receiving the broadcast data session on the second frequency (Parantainen, pars. 10-11, 22-24).

Regarding claim 4, the combination of Kwak and Parantainen discloses switching from the second frequency to a third frequency upon completion of the broadcast data session (Parantainen, pars. 10-11, 15, 22-24).

Regarding claim 5, the combination of Kwak and Parantainen discloses switching from the second frequency to the first frequency upon completion of the broadcast data session (Parantainen, pars. 10-11, 15).

Regarding claim 6, the combination of Kwak and Parantainen discloses determining a broadcast frequency configuration associated with the second frequency, from configurations pre-stored in the user device, in accordance with receiving the broadcast data session (Kwak, pars. 70-73).

Regarding claim 7, the combination of Kwak and Parantainen discloses receiving the notification of the broadcast data session, determining whether the user device is engaged in a data interchange on the first frequency, and terminating the data exchange activity (Parantainen, pars. 22-24).

Regarding claim 8, the combination of Kwak and Parantainen discloses receiving the broadcast data session on the second frequency (Kwak, pars. 39-40).

Regarding claim 9, the combination of Kwak and Parantainen discloses receiving the notification of the broadcast data session, determining whether the user device is engaged in a data interchange activity on the first frequency, and continuing the data interchange activity (Kwak, pars. 70-73).

Regarding claim 11, the combination of Kwak and Parantainen discloses receiving said notification on said first frequency, receiving a first broadcast data set on the first frequency (Kwak, Figures 4, 6, #'s 505, 506, pars. 49-50).

Regarding claim 12, the combination of Kwak and Parantainen discloses receiving a second broadcast data session on the second frequency simultaneously with the first broadcast data set (Kwak, page 4, paragraphs 73,78-79; page 10, paragraph 298; page 20, paragraphs 318-319).

Regarding claims 13, 14, the combination of Kwak and Parantainen discloses receiving a notification of a data broadcast data session on a broadcast control channel (Kwak, pars. 5-7).

Regarding claim 15, the combination of Kwak and Parantainen discloses an identity of a configuration matching a configuration stores in the user device (Kwak, pars. 70-73).

Allowable Subject Matter

3. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 16-26 are allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez
Examiner
Art Unit 2617

8/18/07



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600